

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 366**

Introduced by Mines, 18

Read first time January 14, 2003

Committee: Judiciary

A BILL

1 FOR AN ACT relating to theft; to amend sections 28-516 and 28-517,  
2 Reissue Revised Statutes of Nebraska; to change  
3 provisions relating to unauthorized use of a propelled  
4 vehicle; to restrict affirmative defenses of certain  
5 thefts; to change penalties; and to repeal the original  
6 sections.  
7 Be it enacted by the people of the State of Nebraska,

1                   Section 1.    Section 28-516, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   28-516.   (1) A person commits the offense of unauthorized  
4 use of a propelled vehicle if he or she intentionally exerts  
5 unauthorized control over another's propelled vehicle by operating  
6 it without the owner's consent.

7                   (2) Propelled vehicle shall mean an automobile, airplane,  
8 motorcycle, motorboat, or other motor-propelled vehicle.

9                   (3) Unless the propelled vehicle has a broken, damaged,  
10 or bypassed ignition system and the key to the propelled vehicle is  
11 not in the possession of the person charged under this section, it  
12 ~~It~~ is an affirmative defense to prosecution under this section that  
13 the defendant reasonably believed that the owner of the propelled  
14 vehicle would have authorized the use had he or she known of it.

15                  (4) Unauthorized use of a propelled vehicle is a Class  
16 ~~III I~~ misdemeanor for the first offense, a Class I misdemeanor for  
17 the second offense, and a Class IV felony for the ~~third~~ second and  
18 any subsequent offenses.

19                  Sec. 2.    Section 28-517, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21                  28-517.    (1) A person commits theft if he or she  
22 receives, retains, or disposes of stolen movable property of  
23 another knowing ~~that it has been stolen,~~ or believing that ~~it has~~  
24 ~~been~~ such property was stolen, ~~unless the property is received,~~  
25 ~~retained, or disposed with intention to restore it to the owner or~~  
26 if a reasonable person in the place of the person charged under  
27 this section would have known such property was stolen.

28                  (2) Unless the property was a propelled vehicle as

1 defined in section 28-516, it is an affirmative defense to  
2 prosecution under this section that the defendant received,  
3 retained, or disposed of the property with the intention of  
4 restoring it to the owner.

5           Sec. 3.     Original sections 28-516 and 28-517, Reissue  
6 Revised Statutes of Nebraska, are repealed.